

EXHIBIT 7

WEATHERFORD DECLARATION IN SUPPORT OF MOTION FOR SUMMARY JUDGMENT

1 UNITED STATES DISTRICT COURT
2 NORTHERN DISTRICT OF CALIFORNIA
3 SAN JOSE DIVISION
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6 IN RE: HIGH-TECH EMPLOYEE)
7 ANTITRUST LITIGATION)
8) No. 11-CV-2509-LHK
9 THIS DOCUMENT RELATES TO:)
10 ALL ACTIONS.)
11 _____)
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14 CONFIDENTIAL - ATTORNEYS' EYES ONLY
15 VIDEO DEPOSITION OF MARK BENTLEY
16 August 23, 2012
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20 REPORTED BY: GINA V. CARBONE, CSR NO. 8249, RPR, CCRR
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10:32:31 1 Q. Is that statement correct?

10:32:34 2 MR. RILEY: Objection. No foundation. It's
10:32:36 3 been asked and answered.

10:32:38 4 THE WITNESS: I don't know -- I see what's
10:32:39 5 written here. I don't know what was discussed between
10:32:42 6 Apple and Adobe.

10:32:44 7 MR. SAVERI: Q. And does reviewing this
10:32:45 8 sentence refresh your recollection whether or not
10:32:47 9 beginning no later than May 2005, Apple requested an
10:32:51 10 agreement from Adobe to refrain from cold calling
10:32:53 11 each other's employees?

10:32:55 12 MR. RILEY: Objection. It's been asked and
10:32:56 13 answered. He has no recollection.

10:32:58 14 THE WITNESS: I see what's written down. I
10:32:59 15 don't recall.

10:33:00 16 MR. SAVERI: Q. Okay. The next section is
10:33:06 17 entitled Apple-Pixar Agreement. Do you see that?

10:33:08 18 A. I see this.

10:33:09 19 Q. And the first sentence says, "Beginning no
10:33:11 20 later than April 2007, Apple and Pixar agreed that they
10:33:14 21 would not cold call each other's employees."

10:33:18 22 Do you see that?

10:33:18 23 A. I see this.

10:33:19 24 Q. Did I read that correctly?

10:33:21 25 A. I believe you did read this correctly.

10:33:23 1 Q. Is that statement true?

10:33:26 2 A. I don't know if it's true, because I don't know
10:33:27 3 what was discussed between the two companies.

10:33:29 4 Q. And does reading that sentence refresh your
10:33:32 5 recollection whether or not beginning no later than
10:33:34 6 April 2007, Apple and Pixar agreed that they would not
10:33:37 7 cold call each other's employees?

10:33:39 8 MR. RILEY: Objection. It's been asked and
10:33:40 9 answered.

10:33:41 10 THE WITNESS: Again, I see what's written down.
10:33:43 11 I don't recall.

10:33:44 12 MR. SAVERI: Q. Now, pages 3 and 4 list
10:33:52 13 these three agreements between Apple and three
10:33:58 14 companies, Google, Adobe and Pixar. Do you see
10:34:02 15 that?

10:34:02 16 A. I do see this.

10:34:04 17 Q. Other than these three agreements that are
10:34:07 18 identified here, did Apple reach any agreement or
10:34:10 19 understanding with any other company regarding whether
10:34:14 20 or not to cold call each other's employees?

10:34:20 21 A. There were other companies that were on our
10:34:23 22 internal do-not-call list that were sensitive. I don't
10:34:27 23 know whether they were agreements or not. My
10:34:29 24 understanding is they were unilateral decisions made on
10:34:32 25 our side as it related to choosing not to cold call into

10:34:37 1 companies we deemed strategic partners, or if there were
10:34:42 2 board affiliations too sensitive to recruit into.

10:34:46 3 Q. So it's your testimony that all the other
10:34:49 4 companies that were included on Apple's do-not-call list
10:34:53 5 were put there unilaterally by Apple? Is that your
10:34:57 6 testimony?

10:34:57 7 MR. RILEY: Objection. Misstates his
10:35:02 8 testimony.

10:35:03 9 THE WITNESS: What I am saying is the only
10:35:05 10 company that I am aware of where there was an agreement
10:35:07 11 in place was between Apple and Google. And I don't know
10:35:10 12 what was discussed between Apple and any other
10:35:12 13 companies. It is my understanding that there was
10:35:17 14 unilateral decisions made. Intel is an example.

10:35:44 15 MR. SAVERI: Q. Did the inclusion of
10:35:46 16 companies on Apple's do-not-call list limit the
10:35:50 17 ability of Apple to compete for employees?

10:36:03 18 A. Companies that may have been on Apple's
10:36:05 19 do-not-call list absolutely did not inhibit our ability
10:36:09 20 to attract talent into Apple.

10:36:15 21 Q. Well, did you understand that the inclusion of
10:36:16 22 a company on Apple's do-not-call list restricted your
10:36:21 23 ability -- and when I say "your ability," I mean you
10:36:23 24 yourself and the people you supervised.

10:36:26 25 Did you understand that the inclusion of

10:36:29 1 companies on Apple's do-not-call list restricted your
10:36:34 2 ability to recruit or hire personnel from those
10:36:39 3 companies?

10:36:40 4 A. That's not my understanding.

10:36:42 5 Q. Did these -- did the inclusion of companies on
10:36:47 6 Apple's do-not-call list limit your ability to recruit
10:36:53 7 in any way?

10:36:55 8 MR. RILEY: Objection. Been asked and
10:36:55 9 answered.

10:37:00 10 THE WITNESS: I would say no. We were still
10:37:03 11 recruiting from companies that were on our do-not-call
10:37:06 12 list.

10:37:07 13 MR. SAVERI: Q. So from your perspective,
10:37:11 14 is it fair to say that the inclusion of a company on
10:37:13 15 Apple's do-not-call list had no effect with respect
10:37:16 16 to your ability to recruit? Is that your testimony?

10:37:22 17 MR. RILEY: Objection. Misstates his
10:37:25 18 testimony.

10:37:28 19 THE WITNESS: Please repeat the question.

10:37:30 20 MR. SAVERI: Read it back, please.

10:37:41 21 (Record read as follows: So from your
10:37:41 22 perspective, is it fair to say that the
10:37:41 23 inclusion of a company on Apple's do-not-call
10:37:41 24 list had no effect with respect to your ability
10:37:41 25 to recruit? Is that your testimony?)

1 I, Gina V. Carbone, Certified Shorthand
2 Reporter licensed in the State of California, License
3 No. 8249, hereby certify that the deponent was by me
4 first duly sworn and the foregoing testimony was
5 reported by me and was thereafter transcribed with
6 computer-aided transcription; that the foregoing is a
7 full, complete, and true record of said proceedings.

8 I further certify that I am not of counsel or
9 attorney for either of any of the parties in the
10 foregoing proceeding and caption named or in any way
11 interested in the outcome of the cause in said caption.

12 The dismantling, unsealing, or unbinding of
13 the original transcript will render the reporter's
14 certificates null and void.

15 In witness whereof, I have hereunto set my
16 hand this day: July 6, 2012.

17 ___X___ Reading and Signing was requested.

18 _____ Reading and Signing was waived.

19 _____ Reading and signing was not requested.

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GINA V. CARBONE

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CSR 8249, RPR, CCRR

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